

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SMITH KLINE & FRENCH LABORATORIES
LIMITED and SMITHKLINE BEECHAM
CORPORATION d/b/a GLAXOSMITHKLINE,

Plaintiffs

v.

TEVA PHARMACEUTICALS USA, INC.

Defendant.

Civil Action No. 05-197 GMS

**STIPULATED PARTIAL DISMISSAL WITHOUT PREJUDICE
OF CLAIMS RELATED TO US. PATENT NO. 4,452,808 AND PROPOSED ORDER**

IT IS HEREBY STIPULATED, by and among the undersigned attorneys for all parties herein, that:

1. Parties agree Teva shall withdraw its Paragraph IV certification with respect to U.S. Patent No. 4,452,808 (“the ‘808 patent”) in its Abbreviated New Drug Application (“ANDA”) No. 77-460 and convert its certification with respect to that patent to a Paragraph III certification. Teva agrees it shall not file any Paragraph IV certification with respect to the ‘808 patent.

2. Plaintiffs’ claims with respect to the ‘808 patent as set forth in its Complaint in the above-captioned action are dismissed without prejudice.

3. Defendant’s counterclaims with respect to the ‘808 patent as set forth in its Corrected First Amended Answer, Defenses and Counterclaims in the above-captioned action are dismissed without prejudice.

4. The parties shall bear their own fees and costs with respect to the '808 patent.

Respectfully submitted,

/s/ Paul E. Crawford

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Attorneys for Defendant

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SO ORDERED this _____ day of _____, 2006.

United States District Judge